

**MINUTES**  
**LAKE COUNTY ZONING BOARD**  
**OCTOBER 5, 2005**

The Lake County Zoning Board met on Wednesday, October 5, 2005 in the Commission Chambers on the second floor of the Round Administration Building to consider petitions for rezonings, Conditional Use Permits, and Mining Site Plans.

The recommendations of the Lake County Zoning Board will be submitted to the Board of County Commissioners at a public hearing to be held on Tuesday, October 25, 2005 at 9 a.m. in the Commission Chambers on the second floor of the Round Administration Building, Tavares, Florida.

**Members Present:**

|                               |                 |
|-------------------------------|-----------------|
| Timothy Morris, Vice Chairman | District 1      |
| Robert H. Herndon             | District 4      |
| Paul Bryan, Chairman          | District 5      |
| Donald Miller                 | Member-at-Large |

**Members Not Present:**

|                          |                             |
|--------------------------|-----------------------------|
| Scott Blankenship        | District 2                  |
| James Gardner, Secretary | District 3                  |
| Larry Metz               | School Board Representative |

**Staff Present:**

Jeff Richardson, AICP, Planning Manager, Planning and Development Services Division  
John Kruse, Senior Planner, Planning and Development Services Division  
Rick Hartenstein, Senior Planner, Planning and Development Services Division  
Stacy Allen, Senior Planner, Planning and Development Services Division  
Jennifer DuBois, Senior Planner, Planning and Development Services Division  
Sherie Ross, Public Hearing Coordinator, Planning and Development Services Division  
Fred Schneider, Director, Engineering Division  
Sanford (Sandy) A. Minkoff, County Attorney  
Melanie Marsh, Deputy County Attorney

Chairman Bryan called the meeting to order at 9:05 a.m. He led in the Pledge of Allegiance, and Timothy Morris gave the invocation. Chairman Bryan noted that a quorum was present. He confirmed that Proof of Publication is on file in the Planning and Development Services Division and that the meeting has been noticed pursuant to the Sunshine Statute. He explained the procedure to be used in hearing the cases. He stated that all exhibits presented at this meeting by staff, owners, applicants, and those in support or opposition must be submitted to the Public Hearing Coordinator prior to proceeding to the next case.

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| PH#92-05-5                  | Kenneth D. and Kandice A. Dembeck/Jimmy Papa of<br>SLA, Incorporated for Nextel Communication   | 4                 |
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**Minutes**

**MOTION by Timothy Morris, SECONDED by Donald Miller to approve the September 7, 2005 Lake County Zoning Board Public Hearing minutes, as submitted.**

**FOR: Morris, Herndon, Bryan, Miller**

**AGAINST: None**

**NOT PRESENT: Blankenship, Gardner, Metz**

**MOTION CARRIED: 4-0**

**CASE NO.: PH#93-05-2**

**AGENDA NO.: 2**

**OWNER: Nola Land Company, Inc.**  
**APPLICANT: Sean Froelich, Vice President**  
**Park Square Enterprises, Inc.**

Jeff Richardson, Planning Manager, stated that the applicant has requested a 30-day continuance.

The applicant was present to represent the case. There was no opposition in the audience to this requested continuance.

**MOTION by Timothy Morris, SECONDED by Robert Herndon to continue PH#93-05-2 until the November 2, 2005 Lake County Zoning Board Public Hearing.**

**FOR: Morris, Herndon, Bryan, Miller**

**AGAINST: None**

**NOT PRESENT: Blankenship, Gardner, Metz**

**MOTION CARRIED: 4-0**

CASE NO.: PH#92-05-5

AGENDA NO.: 4

**OWNERS:** Kenneth D. and Kandice A. Dembeck  
**APPLICANT:** Jimmy Papa of SLA, Incorporated for  
Nextel Communications

Jeff Richardson, Planning Manager, stated that staff is recommending a 30-day continuance until the Board of Adjustment hears their variance request.

There was no one present to represent the case.

Charles Osborne of Lady Lake said he was opposed to this R-1 zoning request. People have taken time off from their jobs previously to come to meetings, and this has been rescheduled several times. He would like to see this issue resolved as soon as possible.

Richard Lancaster of Lady Lake said these postponements are costing all the neighbors money as they have to take off work.

Mr. Richardson reiterated that this continuance is being requested because no action has been taken on the variance request.

In response to Timothy Morris, Mr. Richardson said that without a variance, staff would recommend denial of this rezoning request. However, this variance request is being heard on October 13. Mr. Richardson confirmed that this case had been continued three times previously.

Mr. Lancaster said that if this case is continued over and over again, people will stop coming because they cannot afford to keep taking off work, and the request may be approved. They are all opposed to this rezoning. Whether or not this request is approved today could cancel out the other meetings. These people are here to discuss the issue today, if it is possible.

Marty Dzyre of Lady Lake said his property is at the northwest corner of the subject parcel. He questioned how the Board of Adjustment could grant a variance on a parcel that is zoned incorrectly for the use intended. He felt the rezoning case should be heard first to allow the cell tower on the property and then request the variance. He noted that staff has recommended denial of the variance.

Mr. Richardson explained that the variance needs to be heard first. If the variance is not approved, then this site would not be appropriate for the rezoning. If the rezoning was heard first and the request does not meet the criteria of the current Code, staff could not recommend approval of the rezoning. Regardless of whether the variance is approved or not, staff will still do an analysis based on the impact to the surrounding area.

If this continuance is granted, Paul Bryan confirmed that the applicant would have an opportunity for a variance hearing prior to the next Zoning Board public hearing. If the variance is denied, Mr. Bryan asked if this case would be withdrawn from the Zoning Board agenda next month. Mr. Richardson said that would be the applicant's choice. The applicant could come before this Board with a staff recommendation of denial for the rezoning.

Paul Bjelke of Lady Lake stated that this is his second time to come to a meeting. The first time the application was withdrawn. It is difficult for him to get off work to come to these meetings. He is opposed to this rezoning. He questioned why there was no applicant present. He did not know if he would be able to get off work again to come to a meeting next month.

Lee McNutt, adjoining property owner, agreed that it is difficult to get off work as he had already come to a meeting earlier. He was opposed to the continuance request.

Sandy Minkoff, County Attorney, said the variance must be heard first because a rezoning cannot be

**CASE NO.: PH#92-05-5****AGENDA NO.: 4****OWNERS: Kenneth D. and Kandice A. Dembeck**  
**APPLICANT: Jimmy Papa of SLA, Incorporated for**  
**Nextel Communications****PAGE NO.: 2**

granted if a variance is needed. Mr. Bryan confirmed that Mr. Minkoff agreed with staff's recommendation for a continuance based on the order of the cases.

When Mr. Morris asked for a show of hands of those in the audience who were opposed to this rezoning, he noted that about 15 people raised their hands.

Robert Herndon felt the normal process of the Board of Adjustment hearing the variance request first should be followed.

**MOTION by Robert Herndon, SECONDED by Timothy Morris to continue PH#92-05-5 until the November 2, 2005 Lake County Zoning Board Public Hearing.**

**When Mr. Bryan asked if language could be added that this continuance is the last one to be granted, Mr. Minkoff said that could be done but that would not preclude the Board from doing something else at a subsequent meeting. Mr. Morris and Mr. Herndon were agreeable to that language being added.**

Mr. Bryan said he would not support another request next month for a continuance.

**FOR: Morris, Herndon, Bryan, Miller****AGAINST: None****NOT PRESENT: Blankenship, Gardner, Metz****MOTION CARRIED: 4-0**

**CASE NO.: PH#59-05-3**

**AGENDA NO.: 5**

**OWNERS: Murry W. and Marsha P. Crawley**  
**APPLICANT: Steven J. Richey, P.A.**

Jeff Richardson, Planning Manager, said this 30-day continuance is at the request of the applicant.

The applicant was present to represent the case. There was no opposition in the audience to this continuance request.

**MOTION by Timothy Morris, SECONDED by Donald Miller to continue PH#59-05-3 until the November 2, 2005 Lake County Zoning Board Public Hearing.**

**FOR: Morris, Herndon, Bryan, Miller**

**AGAINST: None**

**NOT PRESENT: Blankenship, Gardner, Metz**

**MOTION CARRIED: 4-0**

CASE NO.: PH#64-05-3

AGENDA NO.: 1

OWNER: Jack R. Amon  
APPLICANT: Lake Apopka Sound  
June Engineering Consultants, Inc.

Jennifer DuBois, Senior Planner, presented the case and staff recommendation of approval. She showed the aerial and picture from the staff report on the monitor. When Donald Miller asked if the Orange County portion of the property has been rezoned, Ms. DuBois said she did not think it has been. Timothy Morris questioned whether this was putting the "cart before the horse." Ms. DuBois pointed out that the applicant has come to the County for a preliminary development conference to discuss the Lake County portion of the project.

When Paul Bryan asked about covenants for age-restricted communities, Sandy Minkoff, County Attorney, explained that Lake County requires restrictions that would comply with both the Federal and State Fair Housing Acts, which means that at least 80 percent of the residences would have people 55 years of age or older or 100 percent 62 years of age or older. Persons under the age of 18 years of age would be prohibited from residing in these communities. The covenants provide that if the community changes or violates that, then impact fees would be due on all the lots immediately at whatever the rates were at that time. Mr. Bryan asked how this is enforced. Mr. Minkoff said the County would impose the impact fees if it became aware that there were students coming from those subdivisions and going to schools. It would mainly involve the School Board informing the County. Although the Ordinance states 18 years of age or older, Mr. Morris said it did not mention anything about the covenants Mr. Minkoff just spoke of. Mr. Minkoff said it is illegal to restrict residents to 18 years of age or older unless the community complies with one of the two rules. Mr. Morris asked if that should be in the Ordinance. Ms. DuBois said she could add language regarding compliance with the Federal and State Fair Housing Acts.

There was no one in the audience who opposed or had concerns with this request.

Randy June with June Engineering Consultants was present to represent this case. He said this property is zoned Agriculture, which does not prevent them from constructing a road through the Orange County portion of the property. Much of the retention will be placed on that portion of the property. It has not yet been determined whether they will develop in Orange County other than the paving of the road for access to the property.

When Robert Herndon asked if they understand and agree to connect to city water and/or sewer when it is available, Mr. June said they do.

Mr. Bryan confirmed with Mr. June that his request is for a maximum of two units per acre.

In response to Mr. Morris, Mr. June said he understood the covenants for the deed restrictions. Mr. Minkoff pointed out that if central utilities are not available, they will have to build a package plant and a central well on the site.

**MOTION by Timothy Morris, SECONDED by Donald Miller to approve PUD zoning in PH#64-05-3.**

**FOR: Morris, Herndon, Bryan, Miller**

**AGAINST: None**

**NOT PRESENT: Blankenship, Gardner, Metz**

**MOTION CARRIED: 4-0**

CASE NO.: PH#54-05-5

AGENDA NO.: 3

OWNER: Blount & Meyer Properties, LLC  
APPLICANT: Steve Richey

Stacy Allen, Senior Planner, presented the case and staff recommendation of approval. She showed the aerial from the staff report on the monitor.

Mary Ludwig with the law office of Steven J. Richey, P.A. was present to represent the case. She said they support staff's recommendation. Central utilities will be provided by the Town of Lady Lake.

In response to Timothy Morris, Ms. Allen said the fact that the parcel to the south had been rezoned did not influence the residential density analysis for this R-4 zoning request

Karen Tyla, abutting property owner, said she was not opposed to this request. She questioned whether there would be a road stub-out. Nine other entities own property in this area, and they do not want to be blocked in should they want to develop in the future. The access they presently have to Rolling Acres Road is a 30-foot wide public right-of-way. Lake County requires a 60-foot right-of-way. They would like another access coming off Lake Ella Road. Mr. Bryan said this Board does not get involved with designing subdivisions and requiring stub-outs. He suggested she contact the applicant.

Mark Clark asked about the Joint Planning Area (JPA) agreement between the County and Lady Lake. He questioned how that would affect this property. It is his understanding that this property is adjacent to Lady Lake. He asked if this property would be required to annex into Lady Lake. Mr. Bryan said this property is located in the County at this time. Mr. Richardson explained that if the JPA agreement with Lady Lake is developed in the same way as the other two agreements that are adopted, it would not grant power to Lady Lake to annex anything that is not directly adjacent. JPA agreements are agreements to communicate. Sandy Minkoff, County Attorney, said there is no JPA agreement with Lady Lake at this time. However, the County does have an agreement with them that lets them annex enclaves that are less than ten acres in size. In response to Mr. Clark, Mr. Minkoff said the Board of County Commissioners (BCC) has never required annexation in a JPA agreement. In most municipalities when utilities are requested, the property owner must agree to annex. Mr. Bryan said this rezoning request would not have any impact on the potential to annex surrounding properties.

Timothy Morris said his concern is R-4 zoning in the middle of nowhere. However, he would support the staff recommendation of approval.

**MOTION by Timothy Morris to approve R-4 zoning in PH#54-05-5.**

When Mr. Herndon asked if the motion included the requirement for a traffic impact study, Mr. Bryan said that was noted in the staff report.

**Robert Herndon seconded the motion.**

**FOR: Morris, Herndon, Bryan, Miller**

**AGAINST: None**

**NOT PRESENT: Blankenship, Gardner, Metz**

**MOTION CARRIED: 4-0**

CASE NO.: PH#90-05-5

AGENDA NO.: 6

**OWNERS:** Robert F. Reardon, Jr. and Virginia Reardon  
Clifford R. and Ethel L. MacDonald**APPLICANT:** Steven J. Richey, P.A.

Rick Hartenstein, Senior Planner, presented the case and staff recommendation of approval. He showed the aerial and pictures from the staff report on the monitor. He noted that the MacDonalds own the ten-acre parcel, and the 15-acre parcel is owned by the Reardons. He stated that Agriculture and R-1 zoning are intermixed throughout the area so this rezoning request to R-4 would be consistent with the development patterns in the area.

Timothy Morris pointed out that the School Board had written letters to the County on September 13, 2005 regarding this case and PH#54-05-5. In both cases the same schools were reviewed yet their percentages were different. Mr. Hartenstein said he could not explain the difference in percentages.

Mary Ludwig with the legal office of Steven J. Richey pointed that based upon the Urban Density Point System, the property qualifies for 3.5 dwelling units per acre. However, they are agreeable to one dwelling unit per acre or larger as this subdivision will have various lot sizes.

Lynn Walker-Wright was present to represent Mr. and Mrs. Douglas Bloodworth, who live at 3211 Lake Griffin Road in Lady Lake. She said she and Mr. Richey have met to discuss the concerns of the Bloodworths. The Bloodworths along with the MacDonalds are the owners of a 50-foot easement for ingress and egress. The Bloodworths are concerned that the easement may be used for construction purposes. She was told that there is no need to be concerned because the easement would not be used for construction. When the MacDonalds sell their property, the new owner would also own the easement with the Bloodworths. The Bloodworth's property is zoned RA. Ms. Walker-Wright said she has seen no plan for this subdivision.

Mary Assing, abutting property owner, said her concern is also with the easement. At the request of Ms. Assing, Mr. Hartenstein showed the picture from the staff report that was taken from Morning Mist Lane. Ms. Assing said the S-curve is a very dangerous place on this road. There have been numerous accidents at this spot. She was concerned that construction equipment will make it worse. Mr. Hartenstein pointed out the easement on the aerial.

At the request of Paul Bryan, Mr. Hartenstein gave the minimum road requirements. Curb and gutter would require 50 feet, and a swale system would require 66 feet of right-of-way for a local road.

Ms. Ludwig said access to this site is proposed through a parcel to the south of the MacDonald property, which is currently owned by the contract purchaser of the MacDonald and Reardon property. The access will come off of Lake Ella Road, not the easement. They are not proposing to use the 50-foot easement. However, if the easement is used, it must be improved to County standards. In response to Mr. Bryan, Ms. Ludwig said the parcel to the south of the MacDonald property is zoned R-1.

When Robert Herndon spoke of inconsistencies in the school statistics, Mr. Hartenstein said that information is supplied by the School Board. Mr. Herndon asked Mr. Hartenstein to contact Dawn McDonald, Senior Planner with the Growth Planning Department at the Lake County Schools, and ask her how she arrived at those particular statistics. He then asked Mr. Hartenstein to call him with the answer.

If access to this property is from the easement, Mr. Bryan said he would also have a concern; but with the adjoining property owner being the purchaser of the subject property and the adjoining property being zoned R-1, he was comfortable with the request and felt it was reasonable.

|                   |   |                    |          |
|-------------------|---|--------------------|----------|
| <b>CASE NO.:</b>  | <b>PH#90-05-5</b>   | <b>AGENDA NO.:</b> | <b>6</b> |
| <b>OWNERS:</b>    | <b>Robert F. Reardon, Jr. and Virginia Reardon<br/>Clifford R. and Ethel L. MacDonald</b> | <b>PAGE NO.:</b>   | <b>2</b> |
| <b>APPLICANT:</b> | <b>Steven J. Richey, P.A.</b>   |                    |          |

**MOTION by Timothy Morris, SECONDED by Robert Herndon to approve R-1 zoning in PH#90-05-5.**

**FOR: Morris, Herndon, Bryan, Miller**

**AGAINST: None**

**NOT PRESENT: Blankenship, Gardner, Metz**

**MOTION CARRIED: 4-0**

CASE NO.:

PH#89-05-2

AGENDA NO.:

7

OWNERS/APPLICANTS:

**Carlos Martinez and Anna Maria  
Forte Martinez**

Rick Hartenstein, Senior Planner, presented the case and staff recommendation of denial. He showed the aerial and picture from the staff report on the monitor. He said this request met the distance requirements from the intersection for C-1 uses; but since the property is within one-half mile of Lakeshore Drive, it does not meet the Lake Apopka Basin Development Design and Resource Protection Standards. He noted that he had checked with Allan Hewitt of Water Resource Management and was told by Mr. Hewitt that during the study with the committee involved in developing these standards, one of the intents was to limit commercial development close to the lake for aesthetic reasons and to keep development away from the lake and its pollution effect. In response to Paul Bryan, Mr. Hartenstein said this request meets C-1 location requirements; but that is only one part of what must be considered. Based on the requirements that could not be met, staff recommended denial. Mr. Bryan was informed by Mr. Hartenstein that the Lake Apopka requirements prohibit any industrial or commercial uses within one-half mile.

Carlos Martinez was present to represent the case. He stated that this property is .42 mile from the boundaries of the lake. He questioned the accuracy of the measurement as it is so close to meeting the requirement. He felt things could geographically change by means of environmental changes such as flooding or a drought. He said he would be willing to accept C-1 uses only. Timothy Morris asked Mr. Martinez what his plans were for the property. Mr. Martinez replied that they may build some offices on the property or market it for sale. It is currently on the market for sale. However, there has been no one interested in using this property for residential use as there are no trees to dissipate the noise from the Turnpike.

Jim Hitt, Planning Director for the City of Clermont, said they concur with the staff recommendation of denial. The property is within the Joint Planning Area (JPA) for the City of Clermont. On their draft map for the land use in that area, it is shown at 2.5 dwelling units per acre, not commercial. The City of Clermont City Council will hear this request as a JPA review on October 11. If this request proceeds, he would like the applicants to contact the City of Clermont in regard to the JPA requirements and staff review. Mr. Bryan asked Mr. Hitt about his views on the noise from the Turnpike and the closeness of this particular piece of property to the Turnpike. Mr. Bryan questioned whether Mr. Hitt felt residential was the highest and best use for this property. Mr. Hitt replied that residential might possibly be the highest use but not necessarily the best use. Landscaped walls may be a consideration for properties along the Turnpike. Regarding a landscaped wall, Mr. Martinez said that would interfere with the view of the lake.

As Planned Commercial (CP) zoning, Mr. Richardson said this Board could consider a waiver to the Lake Apopka Basin standards especially with the line so close. If this Board should recommend approval of this request, Mr. Richardson asked that some storm water criteria be placed within the Ordinance that would provide for direction of the storm water outside of that one-mile range versus toward the back of the property, the Turnpike side. He also asked that the nutrient and pollution loading from the impervious surface and runoff be addressed. However, he pointed out that no waivers from the Land Development Regulations (LDRs) have been advertised for this case.

Based on the Lake Apopka Basin standards and the criteria placed within the LDRs, Mr. Richardson said commercial would not be allowed. Regarding commercial uses, at least C-1 uses would be consistent with the Comprehensive Plan. Mr. Bryan said he would be comfortable with CP zoning with C-1 uses if storm water criteria were added.

Sandy Minkoff, County Attorney, said this Board does not have the ability in CP zoning to waive the Lake Apopka Basin standards. The burden is on the applicant to prove that the property is more than one-half mile away. Unless there is evidence to show that the property is more than one-half mile away, Mr. Minkoff felt Mr. Hartenstein's recommendation is correct. In response to Mr. Bryan, Mr. Hartenstein said the property is about 400 feet short of meeting the one-half mile requirement.

**CASE NO.:** PH#89-05-2 **AGENDA NO.:** 7  
**OWNERS/APPLICANTS:** Carlos Martinez and Anna Maria **PAGE NO.:** 2  
Forte Martinez

If the Lake Apopka Basin standards could be met, Mr. Hartenstein said staff could recommend approval of C-1 uses. When Mr. Hartenstein asked if the applicants could apply to the Board of Adjustment for a variance to the Lake Apopka Basin requirements, Mr. Minkoff said he could not answer that question at this time; but he did not feel it should affect this Board's decision.

Mr. Morris stated that there has been a lot of time and effort spent on the Lake Apopka Basin pact, and he felt this Board needs to go along with the requirements adopted. There was a reason for setting the one-half mile limitation.

Mr. Bryan said he could support a continuance to allow the applicant to further investigate the ability to get a variance or waiver through another Board or recheck the measurement. He did not feel this is a good site for residential use. Mr. Morris was also agreeable to a continuance if the applicant would want that.

Mr. Martinez said he would like to take the opportunity to continue this case for further investigation.

In response to Mr. Morris, Mr. Hartenstein said he would recommend a minimum of 60 days. Ninety days may be a preferable timeframe for a continuance.

**MOTION by Timothy Morris, SECONDED by Robert Herndon to continue PH#89-05-2 until the January 4, 2006 Lake County Zoning Board Public Hearing.**

**FOR:** Morris, Herndon, Bryan, Miller

**AGAINST:** None

**NOT PRESENT:** Blankenship, Gardner, Metz

**MOTION CARRIED: 4-0**

There was a five-minutes recess.

CASE NO.: PH#87-05-5

AGENDA NO.: 8

OWNERS: Chad L. and Kristie L. Penley  
APPLICANT: Chad Penley

The public hearing resumed at 10:40 a.m.

Rick Hartenstein, Senior Planner, presented the case and staff recommendation of approval. He showed the aerial and pictures from the staff report on the monitor. He noted that four letters of opposition were received and placed in the packets for the members. Since that time two additional letters of opposition have been received and are available for their review. When Paul Bryan asked how the R-2 zoned property to the north was developed, Mr. Hartenstein said that property has the capability to develop at R-2 standards; but he thought it might be developed at less than that.

Duane Booth, an engineer with Farner Barley & Associates, was present to represent the case. He submitted a map as Applicant Exhibit A. He noted that they are requesting considerably less than the Comprehensive Plan and Land Development Regulations (LDRs) would allow them to do. The City of Umatilla city limits are approximately 1,200 feet to the south and about 1,260 feet to the east. He has personally been in touch with Tim Scobie of the City of Umatilla and their past Public Works Director about water and sewer. This property is a key piece of property that the City of Umatilla wants to complete a loop in their water system to serve Silver Beach Heights. He said he is a resident of Silver Beach Heights, and he is in favor of this rezoning because it will help the water pressure and fire protection system in Silver Beach Heights. He pointed out the water plant on the map. He also pointed out the location of the sewer, about 1,650 feet away. They will run the water lines through the project, and the City will continue the loop from there. For the sewer, they will have to install a lift station and run southerly about 1,600 to 1,700 feet. This will be done at their expense. The proposed lots will be comparable to his lot in Silver Beach Heights. He pointed out the R-2 and R-3 zoned properties in the area, adding that he felt this request was compatible. As far as property values, he did not feel this request would decrease the value of his house. When Mr. Bryan asked about the R-3 zoned property in the corner of the subject property, Mr. Booth said he thought it was about one-half acre since it is on well and septic.

Helene Peterson of Silver Beach Heights said they are not opposed to rezoning, but they are opposed to the density of the rezoning requested. The "preponderance" of the properties around the subject parcel is Agriculture zoning and R-2 zoning. Rezoning to R-3 would set a precedent. Recent rezonings in the area have been to R-1 and R-2. They were told the water loop would be completed about 5-1/2 years ago, and it is not done yet. A water loop can be run through R-2 zoning as well as R-3 zoning. That R-3 zoned property Mr. Bryan asked about is at least one-half acre in size.

Ed Peterson reiterated that both the water and sewer would be paid for by the builder, not the City of Umatilla. He did not feel that three houses per acre are feasible in this area. The schools in the area are overcrowded. Many new homes have already been approved for this area. He agreed that the density rather than the rezoning is his concern.

Sam Segar, a resident on Grand Ridge Drive, said he would prefer R-2 zoning on this property as it would be more compatible with the area.

Mr. Booth said they had considered R-2 zoning as a first step. However, after meeting with the City of Umatilla, the number of lots was changed from 18 to 27. There is some confusion as to whether central utilities are required in the Urban Expansion land use designation. The cost for water and sewer will be \$236,000. It would be hard to absorb that cost with R-2 zoning. Mr. Bryan agreed. When Mr. Bryan asked if septic tanks would be allowed in R-2 zoning, Mr. Booth said there have been some cases recently where septic tanks were approved in Urban Expansion as long as Environmental Health standards were met. This property has very good soils. Mr. Bryan confirmed with Mr. Booth that this property probably could be rezoned to R-2 and use septic tanks. Mr. Booth said the City wants them to connect to central sewer. However, they are not within 1,000 feet of available sewer. This property is 1,650 feet away from sewer.

CASE NO.: PH#87-05-5

AGENDA NO.: 8

OWNERS: Chad L. and Kristie L. Penley  
APPLICANT: Chad Penley

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Regarding sewer, Mr. Hartenstein said this property is within the Umatilla utility service district. If a public system is available, the development shall be required to connect to the system. If the development lies within the franchise area of an existing private system, the development shall be required to connect to the private system. If this system is not available, the interim system needs to meet the established urban level of service standards. Further, the system shall be designed so that when a regional system is available, the development shall be required to connect to the regional system. If the development provides its own interim system, the system shall be adequately monitored by the County, and the owner shall provide assurances that it is financially able to operate and maintain the system. With R-2 zoning and a minimum of one-half acre lots, Mr. Hartenstein said that if public water is available, the development must connect to it. If it is not available, they must provide an interim system for potable water. If the City of Umatilla says that central sewer is available, then this development must connect to it since it is in the Urban Expansion land use designation. Mr. Bryan questioned whether 1,600 feet away would be considered "available."

Mr. Peterson said this whole area has septic tanks and City water. Tim Scobie told him that the only way central sewer would be installed would be at the expense of the developer.

Mr. Booth agreed that the sewer installation would be at their expense. When Mr. Bryan said they are in the position that they may be able to develop at R-2 zoning with septic tanks, Mr. Booth said they would prefer R-3 zoning because he felt the City of Umatilla would require the central sewer system.

Jeff Richardson, Planning Manager, stated that the policy Mr. Hartenstein just read is Policy 1-1.6B of the Comprehensive Plan. Sandy Minkoff, County Attorney, added that the new Comprehensive Plan will clear up the ambiguity in this area. However, he felt that it was clear that if a property is in the Urban or Urban Expansion land use designation areas, that property should be on central utilities.

Mr. Bryan said he would have been more comfortable with R-2 zoning; but if this project must be connected to central sewer, more density is needed.

Referring to the School Board letter of September 13, Robert Herndon said this project would add 11 new students. Lake County Schools said this would produce an adverse impact on the schools. He did not agree with that conclusion. Mr. Hartenstein said he had suggested to the Senior Planner for Lake County Schools that a representative from the School System be present at this public hearing to address their comments and answer questions from the Zoning Board.

In response to Mr. Bryan, Mr. Hartenstein said he received no comments from the City of Umatilla. He said they tend to send comments on the development package rather than the rezoning.

Mr. Morris commented that the integrity of the neighborhood leans more toward R-2 zoning than R-3 zoning.

If R-2 zoning is approved, Donald Miller felt the applicant would not proceed.

**MOTION by Timothy Morris to recommend approval of R-2 zoning in PH#87-05-5. The motion DIED for lack of a second.**

**MOTION by Robert Herndon, SECONDED by Donald Miller to recommend approval of R-3 zoning in PH#87-05-5.**

**CASE NO.: PH#87-05-5**

**AGENDA NO.: 8**

**OWNERS: Chad L. and Kristie L. Penley**  
**APPLICANT: Chad Penley**

**PAGE NO.: 3**

**FOR: Herndon, Bryan, Miller**

**AGAINST: Morris**

**NOT PRESENT: Blankenship, Gardner, Metz**

**MOTION CARRIED: 3-1**

CASE NO.: PH#88-05-4

AGENDA NO.: 9

OWNER: Vrej Manoogian, Manoogian Joint  
Venture, LLC

APPLICANT: Leslie Campione, P.A.

John Kruse, Senior Planner, presented the case and staff recommendation of approval. He showed the aerial from the staff report on the monitor and pointed out the zoning in the area.

Leslie Campione was present to represent the case. She explained that Dr. Manoogian is an orthopedic surgeon and could not be at this public hearing. He purchased this property in 2001. She said she has worked with some of the people in opposition at this public hearing. In 2001 they worked together to oppose a Planned Unit Development (PUD) on 25 acres. The subject property is part of that 25-acre original tract. It was a subdivision proposed at four units to the acre with multifamily components and very small lakefront lots. They opposed that request and asked the Board of County Commissioners (BCC) to leave the zoning at R-1. The BCC ultimately approved the PUD, but they limited the density to 2.5 units per acre and limited the lakefront lots to one acre in size. Since that time the owner decided not to proceed with the PUD and sold off the five-acre tracts.

Mr. Minkoff left the meeting, and Melanie Marsh, Deputy County Attorney, came into the meeting.

Ms. Campione said she thought her client was the first person to buy one of those tracts. Dr. Manoogian and his father purchased the property. Their realtor advised them that the property was in the Urban Expansion land use designation, four units to the acre. They were interested in dividing the property into three lots for the father, Dr. Manoogian, and his brother. They were advised that they could administratively do a family lot split on the property. When Dr. Manoogian came to her about the lot split, she advised him that a family lot split could not be done in the Urban Expansion land use designation. Since the property could be platted, they proceeded with a plat submittal and applied for annexation into the City of Eustis because they were required to connect to the City's water. Dr. Manoogian met with the City of Eustis staff and was informed that he should apply for the two units per acre land use designation. Dr. Manoogian did not want a density of more than one unit per acre, but that is not a density in the City of Eustis; it is a lot size. Unless he had one-acre lots minimum, he would not be able to develop five lots. Because of platting and City requirements, he needed that fifth lot to help him offset costs. At the City annexation hearing, the opposition was based primarily on an argument that this property should be one unit per five acres as these lots were sold as five-acre tracts and should remain that way. However, there were no deed restrictions requiring five-acre tracts. They agreed to do an annexation agreement limiting this property to four lots. An annexation hearing is a legislative process, and the City of Eustis did not have to deal with quasi-judicial considerations. They refused his request for annexation..

Ms. Campione said the request today is a zoning change, a quasi-judicial proceeding. They are requesting a much lower density than would be allowed in the Urban Expansion land use designation or the Urban Area Residential Density Chart. They are asking this Board to recommend that this property be returned to the R-1 zoning that it had before the PUD. She said they went through the development approval process on their plat and received approvals from all departments except for Planning and Development Services, who said this property was part of an old PUD. That PUD is obsolete, and this property must have a zoning. The adjacent property owners are developing their five-acre tracts with one house. That is their choice. They are using their property the way they want to use their property. There are smaller lots in the area. From a land use or due process standpoint, Ms. Campione did not feel it made sense to require this tract to stay as five acres as far as the entitlements on this property. When the neighbors fought the PUD, everyone wanted the property to stay as R-1 zoning. Although the owner only wants three houses, the fourth lot would offset the costs of meeting all the requirements. The lakefront lots will be one acre or greater so the lake will not be degraded. Most of the other lots on the lake are much smaller. One unit per five acres would be Agriculture zoning, which is not consistent with the Urban Expansion land use designation.

In response to Ms. Campione, Jeff Richardson, Planning Manager, said this rezoning request to R-1 is

**CASE NO.:** PH#88-05-4**AGENDA NO.:** 9**OWNER:** Vrej Manoogian, Manoogian Joint  
Venture, LLC**PAGE NO.:** 2**APPLICANT:** Leslie Campione, P.A.

consistent with the Lake County Comprehensive Plan. He showed Policy 1-1.6 of the Comprehensive Plan (page I-2) regarding the Urban area on the monitor and submitted it as County Exhibit A. He said that in the Urban area, the anticipated densities would be R-1 to R-7 or PUD. If the opposition's argument is that this property should be one unit per five acres, she asked what zonings that would include. Mr. Richardson replied that the Agriculture or Ranchette district would meet that requirement. Ms. Campione asked if those zonings would be consistent with an Urban Expansion land use designation. By the way the policy is written, Mr. Richardson said they would not be. However, staff would consider how the surrounding area is developed in making a determination. In this particular area, the uses allowed within the Agriculture or Ranchette zoning district would not really fit. In response to Ms. Campione, Mr. Richardson said Agriculture and Ranchette zoning cannot be conditioned.

Robert Bone, attorney for Ed Jones, neighboring property owner to the south, was informed by Mr. Richardson that the future land use designation for the property is Urban Expansion. Mr. Bone said Mr. Richardson had just read the policy for the Urban land use designation. Mr. Richardson submitted Page I-3 (County Exhibit B) of the Comprehensive Plan regarding the Urban Expansion area. In response to Mr. Bone, Mr. Richardson said the Urban Expansion land use designation would technically allow a zoning district that would permit one house per five acres, but the surrounding area and its land uses would also be considered. In comparing surrounding land areas, Mr. Bone asked if Mr. Richardson would agree that Lake Joanna has parcels that vary greatly in density all around the lake. Mr. Richardson replied that there is a mixture of lot sizes surrounding Lake Joanna. When determining compatibility as far as lot sizes, Mr. Richardson agreed that the most important parcels to look at would be the ones closest to the subject property.

When Robert Herndon asked the number of lots along the lakefront, Mr. Kruse said he did not know.

Mr. Bone said that immediately to the south of his client's property is another five-acre tract that is not shown as being divided. There is currently a home being constructed on that property. To the south of that property is another five-acre tract that is being prepared to be developed as a single-family home on five acres. He asked the Board to consider whether this is an orderly and logical development pattern. The City of Eustis has had involvement with this parcel and will have future involvement with this parcel. The owner will be required to connect to City water for this property. In addition, the City had concerns about the property at their City Council meeting. If the owner of the original 25-acre parcel with R-1 zoning had wanted to develop at one unit per acre, he could have done that. Instead he rezoned to PUD and then decided to divide the property into five-acre parcels and market it that way. Things have changed since this property was zoned R-1 so it is not always best to go back. People have relied on the owner of the 25-acre parcel, who divided it into five-acre parcels. They built expensive estate homes on their five-acres. Those homes cannot be ignored because there is higher density along the lake. He submitted 122 petitions of opposition (Opposition Exhibit A) that have been signed by residents of Lake Joanna. They want a density of one unit per five acres on this property. He noted from the minutes of the City Council meeting that Mayor Royce had said that legally the parcel could be split, but he would not support a motion to bring the property into the City and designate it as neighborhood residential or rural residential. Mayor Royce felt the property was too narrow to divide into five parcels. He denied the request to annex or give a designation of the land use category. At that meeting, there were concerns about five septic tanks being on the property. There were also concerns about the compatibility with the property to the south.

Paul Bryan stated that he could understand the property owner to the south and the owners of the properties in the original PUD having concerns, but he questioned the basis for opposition from people on much smaller lots. Mr. Bone replied that their basis for opposition is the same as those on larger lots—traffic on the road and water quality. The City Council would only approve one house on this property. There has been nothing at this public hearing by the applicant, nothing in the staff report, and nothing in the applica-

**CASE NO.:** PH#88-05-4**AGENDA NO.:** 9**OWNER:** Vrej Manoogian, Manoogian Joint  
Venture, LLC**PAGE NO.:** 3**APPLICANT:** Leslie Campione, P.A.

tion that addresses the water quality of Lake Joanna or the effect of the septic tanks. There is just a bold statement that there will be no adverse impact, but there is nothing to support that. To allow four units on this parcel is not consistent with this corner of the lake.

When Donald Miller asked if the R-1 parcel to the north is on a septic tank, Mr. Bone said he did not know; but he did know that it has not been developed as one unit per acre. It is a large parcel with a single home on it.

Mr. Bryan said Mr. Bone had mentioned several concerns of the neighbors such as water quality, septic tanks, and traffic impacts. He asked if Mr. Bone had done any studies on the impact of this proposed rezoning. Mr. Bone said he had not.

Of the 122 signatures, Mr. Herndon asked how many of those people have lakefront property. Mr. Bone did not know. Mr. Herndon stated that he lives on a lake, and groundwater flow does not necessarily always flow toward the lake; it can flow away from the lake.

Mike Mosler, owner of the parcel two parcels to the south of the subject property, said that when he bought his property, it was clearly stated to him that the property density would be one home per five acres. He visited the County Zoning Department prior to beginning construction. He wanted to build a detached garage first. The head of the Zoning Department said he could not do that. If he built the garage first, it would be considered the primary residence; and he could not build a house later. There are low intensive agricultural stipulations in the PUD. He was opposed to this rezoning request.

Mr. Bryan asked Mr. Mosler how this rezoning to four homes would affect him. Mr. Mosler replied that it would not impact him at all, but he felt it is wrong. It is not what everybody said from the beginning, including the Zoning Department. However, it will impact the lake and it will impact traffic. This 25-acre piece is very high as compared to the rest of the property around Lake Joanna so there is a downward flow to the lake.

Mr. Mosler informed Mr. Morris that there are five five-acre parcels. He bought his parcel three years ago, and he was the last one to buy one of these parcels. Two of the parcels are north of his property, and two of the parcels are south of his parcel.

Ruth Gray, retired attorney and a member of the Lake Joanna Improvement League, said she has lived across the lake from the subject parcel for 19 years. The League has been watching and guarding this lake for many years in order to protect it. Asking to go back to one house per acre is irrelevant. Granting this would be setting a precedent. If the other owners of five-acre tracts would decide to do the same, there could be an additional twenty-five houses, which would affect the lake. In response to Mr. Bryan, Ms. Gray said her property has a septic tank. There is no central sewer in that area. Her lot is about one-half acre.

Kathleen Cook, who has lived on East Lake Joanna Drive for 27 years, was concerned about a precedent being set if this request is granted. She felt this would be a detriment to what was planned. These were considered to be estate lots.

Chris McIlwain, resident of Lake Joanna Estates, said that the developments around Lake Joanna have access to the lake. That would include hundreds of homes. He spoke of Hidden Water Preserve in the City of Eustis, noting that it will not be developed. He said the traffic on Abrams has increased immensely since Lowe's and a drugstore have been built. North of the site is Little Pond. It is the same depth as Lake Joanna. Every septic tank that is added in this area affects Little Pond, Lake Joanna, and Hidden Water

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| <b>CASE NO.:</b>  | <b>PH#88-05-4</b>                                   | <b>AGENDA NO.:</b> | <b>9</b> |
| <b>OWNER:</b>     | <b>Vrej Manoogian, Manoogian Joint Venture, LLC</b> | <b>PAGE NO.:</b>   | <b>4</b> |
| <b>APPLICANT:</b> | <b>Leslie Campione, P.A.</b>                        |                    |          |

Preserve.

Evelyn Mark, a resident on East Lake Joanna Drive and president of the East Lake Joanna Improvement League, said many of the petitions submitted as Opposition Exhibit A came from residents on East Lake Joanna Drive, Wesley Road, Park Place Boulevard, and part of CR 44B. They are all protective of Lake Joanna.

Scott Stubbs said he lives on Abrams Road, north of this property. He owns five acres of waterfront property. On both sides of his property are vacant lots. His concern is that these vacant lots will be divided if the subject property is allowed to. In response to Ms. Campione, Mr. Stubbs said there are 18 acres of vacant land to the south of his property and five acres of vacant land to the north. His property is north of the subject site. To the south of his parcel, there are three parcels that are five acres or more. Mr. Bryan was informed by Mr. Stubbs that he has one house on five acres. He has Agriculture zoning on part of his property as he has a tree farm.

Mr. McIlwain said he is totally opposed to the subject property being used for four or five houses.

Ms. Campione said there are no deed restrictions for these five-acre tracts. She felt these five-acre divisions were made prior to requesting the PUD as five five-acre lot splits probably would not have been approved in 2001/2002. However, if the owner/developer wanted to restrict the lots, deed restrictions to restrict further division could have been imposed or the lots could have been platted. Her client relied on the fact that there were no limitations. Dr. Manoogian bought his lot with the clear intention of using it for his father and his brother. She did not feel this would set a negative precedent.

Mr. Minkoff came back to the meeting and Ms. Marsh left.

Ms. Campione said environmental impact studies have been done on this property because they had progressed significantly through the development process before they hit the roadblock of not having the correct zoning. Dr. Manoogian has gone through the process of gopher permitting as well as traffic impact studies. It would not be appropriate to have Agriculture zoning on this property that would put agricultural uses next to these expensive homes. She felt that would be more objectionable than four very nice homes. In response to Mr. Miller, Ms. Campione said Dr. Manoogian has contemplated three rather than four houses because that was his original intent.

Ms. Campione said the City of Eustis has no plans to extend sewer lines to this area. The owner and applicant have looked at the new design for septic tanks that are being proposed for the Wekiva area. She submitted a copy of the July 2005 Lake Joanna Improvement League Newsletter regarding these septic tanks as Applicant Exhibit A.

Ed Jones said when he applied for the permit to build his house through the County, he was told he could only have one house on his five acres. Before he could get a building permit, he had to go to the City of Eustis and be annexed because their water line runs in front of his house.

Mr. Herndon read the following comment into the record "Effluent discharge from septic tables does not necessarily parallel surface water runoff."

**MOTION by Robert Herndon, SECONDED by Donald Miller to recommend approval of R-1 zoning in PH#88-05-4.**

**CASE NO.: PH#88-05-4****AGENDA NO.: 9****OWNER: Vrej Manoogian, Manoogian Joint  
Venture, LLC****PAGE NO.: 5****APPLICANT: Leslie Campione, P.A.**

Timothy Morris said it appears that the intent of the neighborhood is five-acre tracts, and he will probably vote against the motion for R-1 zoning due to the existing conditions.

Mr. Bryan said that if he was an adjacent property owner to the south, he would probably oppose this request. However, he could not find any land use reason not to approve R-1 zoning. Ms. Campione presented a more than sufficient case that R-1 is appropriate. No one has provided evidence as to why it should not be R-1. Therefore, he would support the motion.

**FOR: Herndon, Bryan, Miller****AGAINST: Morris****NOT PRESENT: Blankenship, Gardner, Metz****MOTION CARRIED: 3-1**

CASE NO.: CUP#05/10/1-5

AGENDA NO.: 10

**OWNERS:** James and Karen Shepherd  
**APPLICANTS:** Mark and Richard Shepherd

John Kruse, Senior Planner, presented the case and staff recommendation of approval with conditions. He showed the aerial from the staff report on the monitor. Four letters of opposition were received.

Sherie Ross, Public Hearing Coordinator, stated that prior to this public hearing today she had been given copies of a petition of opposition and distributed them to the members. She also submitted a copy as Opposition A.

Donald Miller was informed by Mr. Kruse that Code Enforcement would monitor this operation closely. In the Ordinance, Mr. Kruse said it states that this operation would be inspected twice a year and upon any complaints. There are several other custom meat processing operations in the County, and they are inspected on a regular basis. On Page 3, Item 5 of the Ordinance, it gives information regarding the inspections. He also referred to the disposal requirements and nuisances on Page 2 of the Ordinance. The owners and applicants would need to go through the Department of Environmental Health and/or the Department of Environmental Protection (DEP) for permitting of the septic tank.

At the request of Paul Bryan, Mr. Kruse named the other similar uses in the County. Mr. Kruse explained that Agriculture zoning with a Conditional Use Permit (CUP) is the typical way to handle meat processing operations. Mr. Bryan was informed by Mr. Kruse that he is aware of complaints for one custom meat processing operation.

Mark Shepherd said he is proposing a small operation on five acres for the local farmers and deer hunters. There is a need for this as the closest operation is in Groveland. He said there would be a little bit of odor, but Griffin Industries will come out once a week to pick up the waste. His brother lives on the property.

In response to Timothy Morris, Mark Shepherd said he will kill the animals on Mondays and Tuesdays, and the pick up will be on Wednesdays. The business is not active at this time. When Mr. Morris asked his experience in the meat-cutting industry, Mark Shepherd said he has eight years of experience with Publix Supermarkets and 1-1/2 years with Osteen's Custom Meats.

Mr. Bryan was informed that Mark Shepherd's brother would continue to live on the property. They are in the business together. Mr. Bryan asked what improvements would need to be made to the property to support this operation if it is approved. Mark Shepherd said he will construct a new building with cooler and freezer space.

Robert Herndon asked what part of the process is not handled within the building. Mark Shepherd replied that the holding pens would not be within the building. In addition, the chute where the animals are killed will not be within the building.

In response to Mr. Morris, Mark Shepherd said they hope to process ten cows and 20 pigs in a week.

John Davis, adjacent property owner, said Fisherman's Road is not County maintained. He asked how Mark Shepherd plans to maintain the road with the additional traffic. Mr. Bryan was informed by Mr. Davis that it is a dirt road.

Amie Davis said she and her husband have lived adjacent to this property for nine years. She said they are very opposed to the possibility of a slaughterhouse being next to their property. They have a five-year old son who loves animals; and they feel being so close to this type of operation could cause emotional problems for him. They are also concerned about additional traffic on this dirt road, the contamination of the wells from the waste of this operation, and the lowering of their property values. She asked this Board to deny this request.

CASE NO.: CUP#05/10/1-5

AGENDA NO.: 10

OWNERS: James and Karen Shepherd  
APPLICANTS: Mark and Richards Shepherd

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Dave Holloway pointed out that the decision made by this Board not only affects the owners and applicants for this case, it also affects the quality of life of the surrounding property owners. The peace and quiet of the area will be shattered by the noise of the animals being killed as the killing will be done outside. In addition to the extra traffic, he was also concerned about bears being attracted to the waste. Since the wells in the area are shallow wells, he was concerned about the blood on the ground going into the wells. He added that it is his understanding that construction of facilities for this operation has already begun. Electricity has been run to the site, and a permit has been obtained for a building they are calling a garage.

Sandra Holloway said she was concerned about her five-year old grandson living next to a slaughterhouse. If the requested use of this property is granted, problems such as odor and noises associated with the slaughtering of animals and the disposal of the unused portions of the animal such as skin, blood and intestines will occur. She questioned whether this type of operation would attract flies and wild animals. Inspections only twice a year did not seem reasonable to her. Property values in the immediate area would plummet with this type of operation.

Pat Anderson was present to represent her son who lives on Fisherman's Road. She agreed with many of the comments already stated. She asked if either of the Shepherd brothers were involved in the meat processing operation located on Highway 439 in the Paisley area. Since they have started the building in the back, she asked if it should be assumed that they could be approved to operate a business under the guise of a garage. Have they been given the "go ahead" under the assumption that they will be approved for this operation. She asked if inspections would take place only if someone complains. She also wanted to know if the Health Department will oversee this as far as the sterilization and cleanliness of handling the meat. She questioned whether this operation would be required to adhere to the same regulations as larger companies. Fisherman's Road is a very winding, narrow, and heavily traveled road for this area. She was concerned about her son's health as he has some medical issues and lives so close to this property. If the Shepherds want a business, she felt it needs to be out on the main road.

James Miller said he has lived in Paisley for 30 years. There are 20 sharp curves along Fisherman's Road. He has worked for Winn Dixie as a meat manager for 40 years. This business would be 2-1/2 miles from a commercial area. He was also concerned about the traffic and the infrequency of the inspections.

Bill Dowdy, who lives directly behind the subject property, said he has 27 acres on which he raises horses and cows. His biggest concern is contamination, either of the water or airborne. He has healthy animals at this time.

Robert Wolfe, resident on Lost Lake Drive, said he received a Conditional Use Permit (CUP) for a small business in this area. He said there is a lot of land in the area that the state has purchased as a wildlife runway between the Wekiva River Basin and the Ocala Forest. Some of that property abuts this slaughterhouse. This type of operation will contribute to the bear problem they already have. He questioned who would widen and pay for as well as maintain Fisherman's Road. He also questioned whether the inspections by Code Enforcement would even be conducted.

Ronald Benbow, who lives across the street from the subject property, was concerned about flies and mosquitoes that bring disease. He is using crutches now because earlier this year he was bit by a mosquito and almost died. He was concerned about the health of the children in the area.

Ben Cook said he has lived across the road from this property for 22 years. He does not want a slaughterhouse in this location, mainly because of his grandchildren. He felt a slaughterhouse should be on at least 20 to 25 acres. Children will be walking past this property.

Edith Cotton, adjacent property owner on the east side, said Mr. Shepherd's driveway is about ten feet from

**CASE NO.: CUP#05/10/1-5****AGENDA NO.: 10****OWNERS: James and Karen Shepherd**  
**APPLICANTS: Mark and Richards Shepherd****PAGE NO.: 3**

her property. She had the same concerns as those mentioned earlier.

Regarding traffic, Mark Shepherd said it will be cattle trailers, common traffic in this area. His brother already maintains the road somewhat with his tractor and box blade. They will have operating hours, just like any business. The United States Department of Agriculture (USDA) recommends a wall-mounted mister that sprays every 15 minutes to control the flies. The odor issue should be addressed by Griffin Industries picking up the waste. If noise become a problem, they can use a hand-held stunner, but gunshots are common in this area. There are other businesses on this road which offer services to the community as he wants to do. The slaughterhouse cannot be seen from the road. It is in the back of the property.

In response to Mr. Bryan, Mark Shepherd said he did not work at the slaughterhouse on Highway 439.

Mr. Herndon felt that the road usage and the nature of this business are rather intensive for this area.

**MOTION by Robert Herndon, SECONDED by Timothy Morris to recommend denial of CUP#05/10/1-5 for a custom meat processing operation.**

**FOR: Morris, Herndon, Bryan, Miller**

**AGAINST: None**

**NOT PRESENT: Blankenship, Gardner, Metz**

**MOTION CARRIED: 4-0**

CASE NO.: PH#16-03-2

AGENDA NO.: 11

**OWNERS:** Robert Shakar (Contract Owner)  
John P. Adams Properties, Inc. (Owner)  
**AGENT:** Greg Beliveau, President, LPG Urban and  
Regional Planners, Inc.

Jeff Richardson, Planning Manager, presented the case and staff recommendation of approval.

Timothy Morris asked if this was a formality. Sandy Minkoff, County Attorney, stated that there really is not a change in the new ordinance versus the old ordinance. The only change would be that the Department of Community Affairs (DCA) gets to look at the timeliness test prior to letting this development go forward. Under the old ordinance, they would have looked at it at the time of the subdivision. Otherwise, there was no substantive change.

Roberto Roa, who lives west of the subject property, asked the purpose of this hearing as far as this property.

When Chairman Bryan asked if the entire case should be heard, Mr. Minkoff said this is a rezoning case so the County is under the terms of the Settlement Agreement. The County is required to amend the Planned Unit Development (PUD).

Chairman Bryan stated that the bulk of this information has been heard at a prior public hearing, and this is a Stipulated Settlement Agreement change.

Greg Beliveau of LPG Urban and Regional Planners, Inc. was present to represent the case. This project, which was approved, went through almost a year's worth of work with Lake County, DCA, and then back to the County. This is a 99-acre tract in the Green Swamp Area of Critical State Concern that had an ordinance with the language stating that although the density now is one unit per five acres, when timeliness occurs, density would be one unit per one acre. The original PUD ordinance stated that the PUD would be reviewed when the subdivision was done within the 99 acres. DCA wants to review it before the subdivision is designed to allow a density of one unit per one acre.

Mr. Bryan asked if there was a site plan to show Mr. Roa. Mr. Beliveau said he did not have one with him, but he asked Mr. Roa for a business card so Mr. Beliveau could send one to him.

**MOTION by Donald Miller, SECONDED by Robert Herndon to recommend approval to amend Ordinance #2003-84 to include those changes as indicated in the Stipulated Settlement Agreement, "General Provisions, #5, a—e."**

**FOR:** Morris, Herndon, Bryan, Miller

**AGAINST:** None

**NOT PRESENT:** Blankenship, Gardner, Metz

**MOTION CARRIED:** 4-0

**Adjournment**

There being no further business, the meeting was adjourned at 1:00 p.m.

Respectfully submitted,

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Sherie Ross  
Public Hearing Coordinator

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Paul Bryan  
Chairman